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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,090	02/17/2004	Beatrice Novelli	16909-2	9900

52450 7590 04/12/2007
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INDIANAPOLIS, IN 46204-2079

EXAMINER

CHANNAVAJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/780,090

Applicant(s)

NOVELLI, BEATRICE

Examiner

Lakshmi S. Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6-18-04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Receipt of IDS dated 6-18-04 is acknowledged.

Claims 1-12 are pending.

Claim Objections

Claims 2, 5, 7 and 9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only--*, and/or, *--cannot depend from any other multiple dependent claim--*.

See MPEP § 608.01(n). The claims 2,5, 7 and 9 are considered to be dependent on claim 1 for examination. However, a correction and clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4942153 (153) and US 5942498 (498) in view of JP 08231369 (JP, abstract only) OR JP in view of 153 and 498.

'153 teach a skin moisturization product comprising a combination of water and collagen, for quickly and easily rehydration of skin (col. 2). The composition is applied as a spray or a fine mist to the skin using a sprayer. '153 suggest that the method of

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quick, convenient, less expensive and effective in skin rehydration rather than applying creams and that collagen helps hold water on the skin (col. 5).

'498 teach a hyaluronic acid composition and its therapeutic effects in treating conditions such as basal cell carcinoma, fungal lesions, psoriasis etc (col. 12, L 1-10).

'498 suggest using hyaluronic acid (HA) as a gel or cream (col. 12, L 16) and suggests HA of various molecular weights (col. 4, L 1-13).

JP teaches a skin cosmetic effective for improving moisture of the skin comprising mineral water and one or more of hyaluronic acid, chondroitin sulfate etc. JP does not teach the actual composition of mineral water and also fails to teach a kit comprising a vaporizer to provide droplets of mineral water and hyaluronic acid gel.

It would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to include HA and mineral water of JP in the skin moisturizing composition of '153 because effective for improving moisture of the skin comprising mineral water and one or more of hyaluronic acid and 498 suggests various molecular weights for HA as suitable for application as a gel to conditions such as skin psoriasis. Alternatively, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention was made to apply the composition of JP containing mineral water and HA as a spray because 153 suggests that the method is quick, convenient, less expensive and effective in skin rehydration rather than applying creams and that collagen helps hold water on the skin. With respect to separating the vaporizer and HA gel, one of an ordinary skill in the art would have added a separate gel composition from the water vaporizer in the teachings of JP because while '153 teaches

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spraying water (with collagen holds moisture), '498 suggests a gel form of HA suitable for treating skin. Absent evidence to the unexpected advantage, it would have been within the scope of a skilled artisan to optimize the amounts of HA and the actual mineral content of the water of JP.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.00 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AU 1615
April 2, 2007



LAKSHMI S. CHANNAVAJJALA
PRIMARY EXAMINER